

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	<u>No. 2013 - 26</u>
§ 6-202.01: ADULT INTENSIVE)	(Affecting Administrative
PROBATION EVIDENCE-BASED)	Order No. 2011-117)
PRACTICES)	
)	

An amendment to the above-captioned section of the Arizona Code of Judicial Administration came before the Arizona Judicial Council on December 13, 2012, and was approved and recommended for adoption, with the changes suggested by a member of the Arizona Judicial Council. As part of the process of incorporating those changes, the Adult Probation Services Division consulted with the Probation Chiefs at the Adult Management meeting on January 24, 2013 and the Committee on Probation meeting on January 25, 2013. After further communication with the Council member, the comment regarding jail supervision contacts was withdrawn, and the other two suggestions were incorporated.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-202.01 is amended as indicated on the attached document. All other provisions of § 6-202.01, as originally adopted, remain unchanged and in effect.

Dated this 27th day of February, 2013.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-202.01: Adult Intensive Probation Evidence-Based Practices

Sections A through K – No changes.

LM. Program Operations.

1. Each probation department shall develop:
 - a. Policies and procedures that aim to reduce offender risk and the likelihood of future criminal behavior that are consistent with the principles of evidence-based practices.
 - b. Policies and procedures which require probation officers providing intensive supervision to use the results of the standardized assessment, as well as any other relevant information, when developing a case plan.
 - c. Policies and procedures which require that once every 180 days the supervising intensive probation officer administer the standardized reassessment and develop a new case plan.
 - d. Policies and procedures that require probation officers to utilize graduated responses of consequences and incentives to address violation behavior and promote positive behavioral change.
 - e. Policies and procedures which require supervising intensive probation officers to monitor intensive probationer compliance, behavioral changes and level of risk and request the court modify an intensive probationer's level of supervision when behavior and compliance with conditions of intensive probation have been achieved. Documentation regarding the compliance factors and justification for a requested level change shall be maintained in the intensive probationer's case record. A.R.S. § 13-917(A) provides:

The adult probation officer shall periodically examine the needs of each person granted intensive probation and the risks of modifying the level of supervision of the person. The court may at any time modify the level of supervision of a person granted intensive probation, or may transfer the person to supervised probation or terminate the period of intensive probation pursuant to A.R.S. § 13-901, subsection E.

- f. Policies and procedures regarding the alcohol and drug testing of persons on intensive probation. The procedure shall address the methods used to select intensive probationers for testing, the frequency of testing, and the type of test to be administered.

- g. Policies and procedures by which accurate and timely records of the completion of community restitution hours are maintained for each intensive probationer. Credit toward court -ordered community restitution requirements are awarded on the basis of actual hours completed unless authorized by the court.
- h. Protocols for working with the office of the clerk of the court to establish a process by which supervising intensive probation officers are provided with accurate and timely information concerning collections.
- i. Policies and procedures to ensure the collection of monies owed as a condition of intensive probation. Each probation department and intensive probation team shall immediately address any arrearage. Each probation department and intensive probation team shall also encourage the intensive probationer's payment of other assessments, such as child support or traffic fines, ordered by any court.
- j. A written policy concerning the monitoring of intensive probationers' compliance with court-ordered or disclosed prescription medications for mental health or public health concerns. This policy shall include protocols to ensure routine and timely communication between the supervising intensive probation officer and physician regarding the intensive probationer's compliance with dosage requirements.
- k. Policies and procedures to ensure the accurate and timely recording of information on persons placed on intensive probation in the ACJIS maintained by the Arizona department of public safety. Members of intensive probation teams shall respond to each arrest notification received through ACJIS or through any law enforcement officer.
- l. Supervision guidelines that are directed toward achieving desired outcomes that include, but are not limited to the reduction of the offender recidivism and criminogenic factors and will ensure that the majority of intensive probation supervision resources are dedicated to high risk probationers in order to successfully complete their term of probation and promote positive behavioral changes. Supervision guidelines shall include the following considerations:
 - (1) Supervision is tailored to the risks, needs and strengths presented by the individual probationer as determined by the standardized assessment;
 - (2) Supervision monitoring and intervention strategies are to involve no greater deprivations of liberty or property than are reasonably necessary to address sentencing purposes. Supervision programs, surveillance, and strategies that are utilized shall be the least intrusive means necessary to promote public safety and supervision goals;
 - (3) Initial and subsequent supervision planning shall develop specific goal-directed objectives to be accomplished by the probationer during the term of supervision and the strategies that the officer will use to monitor compliance and promote the accomplishment of those objectives. Supervision contacts shall be integral to implementing the overall supervision strategies, have a purpose that is directly related to case objectives and the probationer's level and type of risk;

- (4) High risk cases require the concurrent implementation of multiple intervention strategies that apply the skills from a variety of disciplines to address the level and type of risk presented by the individual probationer, build on a probationer's strengths, and provide probationers with incentives to change;
- (5) Document changes in a probationer's circumstances throughout the period of probation and actively engage in assessing the impact of any changes on the level and type of supervision. Officers shall independently assess a probationer's circumstances through field and collateral contacts at a level proportional to the issues in the individual case;
- (6) Responses to noncompliance shall be timely, realistic and escalating; and shall include elements designed to both control and correct noncompliance; and
- (7) The intensity and frequency of supervision activities shall be reduced over time for stable, compliant probationers who are meeting their supervision objectives.

2. Each intensive probation officer or team shall:

- a. Administer the standardized assessment within 30 days of a probationer's placement on probation or initial release from custody if an assessment was not completed prior to sentencing;
- b. Re-evaluate the adequacy and applicability of the court-ordered conditions of probation as part of the ongoing assessment and planning process and, if applicable, petition the court for modifications;
- c. Utilize the results of the standardized assessment to establish a level of supervision and finalize a case plan within 30 days of a probationer's placement on intensive probation or initial release from custody. The officer shall ensure the case plan includes signatures of the probation officer, surveillance officer and probationer and objectives in the case plan are measurable;
- d. Develop and implement supervision strategies that are matched by standardized assessment results and criminogenic factors with the probationer's risks, needs and strengths that promote supervision goals and to provide effective supervision that is individualized, proportional and purposeful. Surveillance and other interventions shall be proportionately matched to emerging or decreasing risk factors;
- e. Assess each intensive probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals documented in the case record. Signed admissions of alcohol or drug use may be accepted in lieu of alcohol or drug testing ~~Target interventions to promote public safety;~~
- f. Evaluate the case plan and supervision strategies on an ongoing basis;
- g. Use communication techniques that engage the probationer in their own case plan, motivation and goals ~~Administer the standardized reassessment every 180 days. The results of the standardized reassessment, along with the intensive probationer's~~

~~compliance with the conditions of intensive probation and any other relevant factors, shall be used to develop a new case plan;~~

- ~~h. Administer the standardized reassessment every 180 days. The results of the standardized reassessment, along with the intensive probationer's compliance with the conditions of intensive probation and any other relevant factors, shall be used to develop a new case plan Review the assessment and the previous case plan during the development of a new case plan to determine if a change in strategies is required to promote behavioral changes. Strategies shall be re-evaluated if there has been regress or no change in behavior;~~
- ~~i. Review the assessment and the previous case plan during the development of a new case plan to determine if a change in strategies is required to promote behavioral changes. Strategies shall be re-evaluated if there has been regress or no change in behavior Monitor intensive probationer behavior and compliance with the conditions of intensive probation and, when warranted, petition the court to increase or decrease the intensive probationer's level of supervision;~~
- ~~j. Provide probationers with feedback on the results of an assessment or reassessment and progress with the established behavioral goals and conditions of probation and provide positive reinforcement to encourage behavioral changes Respond to emerging risk indicators with graduated increases in the level of supervision, pursuant to probation departmental policy;~~
- ~~k. Monitor intensive probationer behavior and compliance with the conditions of intensive probation and, when warranted, petition the court to increase or decrease the intensive probationer's level of supervision or, for waived probation officers, supervision contact level Provide probationers with feedback on the results of an assessment or reassessment and progress with the established behavioral goals and conditions of probation and provide positive reinforcement to encourage behavioral changes;~~
- ~~l. Monitor, record and enforce the community restitution requirements ordered by the court Provide probationers with information and referrals to social services that may promote the individual's ability to function under decreasing levels of supervision;~~
- ~~m. Respond to emerging risk indicators by targeting interventions to promote public safety and utilizing graduated increases in the level of supervision, pursuant to probation departmental policy Petition the court to reduce the level of supervision for a probationer that assesses as low risk on the standardized assessment or standardized reassessment. The intensive probation team shall document in the case record the circumstances for continuing probationers that assess as low risk on the standardized risk needs instrument on intensive probation supervision.;~~
- ~~n. Respond to positive pro-social behavior pursuant to established departmental incentives policies Petition the court to modify the intensive probationer's supervision to standard probation or terminate the period of probation when the intensive~~

~~probation team determines that intensive probation is no longer needed. If the court grants the modification from intensive supervision to standard supervision, the probation department shall transfer the case to a standard probation officer;~~

- ~~o. Provide a written directive to the intensive probationer referring the intensive probationer to an appropriate service provider within 60 days of sentencing, initial release from custody as a condition of intensive probation, or when a need for treatment, education or counseling is identified. If more than one area of treatment or counseling is identified, the intensive probation officer shall prioritize the needs and address the one with highest priority within the prescribed time frame. The intensive probation officer shall then address the remaining treatment or counseling areas in descending order. Additional referrals to social services that may promote the individual's ability to function under decreasing levels of supervision should be made as necessary; Require each direct probationer under the intensive probation team's supervision to submit a schedule of activities for approval. Intensive probationers who are incarcerated or participating in residential treatment are exempt from this requirement. The intensive probation team shall monitor and enforce the approved schedule; and~~

- ~~p. Petition the court to reduce the level of supervision for a probationer that assesses as low risk on the standardized assessment or standardized reassessment. The intensive probation team shall document in the case record the circumstances for continuing probationers that assess as low risk on the standardized risk needs instrument on intensive probation supervision; Make a documented effort to locate an intensive probationer. If the intensive probationer is not located within 72 hours, the intensive probation team shall file a petition to revoke probation no later than the next business day and request that the court issue a warrant. The probation department's efforts to locate the intensive probationer shall continue until the intensive probationer is apprehended.~~

- ~~q. Petition the court to modify the intensive probationer's supervision to standard probation or terminate the period of probation when the intensive probation team determines that intensive probation is no longer needed. If the court grants the modification from intensive supervision to standard supervision, the probation department shall transfer the case to a standard probation officer; The probation officer shall seek a criminal restitution order upon the expiration of 90 days, pursuant to A.R.S. § 13-805(A)(1)(2), for a probationer who is an absconder as defined in A.R.S. § 13-105(1).~~

- ~~r. Require each direct probationer under the intensive probation team's supervision to submit a schedule of activities for approval. The intensive probation officer shall monitor and enforce approved schedules established pursuant to A.R.S. § 13-914(E)(4). For probationers that are meeting expected behavioral goals, scheduling requirements shall provide the probationer a graduated reduction in structured activities to promote a successful transition to reduced supervision. Scheduled activities shall provide opportunities for pro-social activities "as specifically allowed in each instance by the adult probation officer" (A.R.S. § 13-914(E)(4)). Intensive~~

probationers who are incarcerated or participating in residential treatment are exempt from this requirement. The intensive probation team shall monitor and enforce the approved schedule;

- s. Conduct an investigation of arrest notification. Upon the receipt of an arrest notification, the intensive probation officer shall immediately contact the law enforcement officer or agencies involved to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The intensive probation officer shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident;
- t. Make a documented effort to locate an intensive probationer. If the intensive probationer is not located within 72 hours, the intensive probation officer shall file a petition to revoke probation no later than the next business day and request that the court issue a warrant. The probation department's efforts to locate the intensive probationer shall continue until the intensive probationer is apprehended; and
- u. The probation officer shall seek a criminal restitution order upon the expiration of 90 days, pursuant to A.R.S. § 13-805(A)(1)(2), for a probationer who is an absconder as defined in A.R.S. § 13-105(1). The probation officer shall ensure any criminal restitution order is for monies not already ordered in a previous criminal restitution order.

3-9. [No changes.]

MN. Program Placement.

1. A person placed on intensive probation shall be supervised by the intensive probation team pursuant to the minimum supervision requirements established pursuant to A.R.S. § 13-916 (F)(2) for supervision level I until such time as the standardized assessment and initial case plan have been completed and the probationer has demonstrated satisfactory progress meeting case plan objectives.
2. Upon the completion of the standardized assessment and initial case plan, the intensive probation team shall utilize the results of the standardized assessment, along with the probationer's compliance with the conditions of intensive probation and any other relevant factors, and recommend to the court placement on an appropriate supervision level.
3. A person continued on intensive probation as a result of a probation violation proceeding may be supervised at any supervision level as established by the standardized assessment or reassessment and other relevant case information. The intensive probation team shall utilize the results of the standardized assessment or reassessment, along with the probationer's compliance with previously imposed conditions of standard or intensive probation and any other relevant factors, and recommend to the court placement on an appropriate supervision level.

4. An intensive probationer may exit intensive probation at any supervision level.

NO. Minimum Supervision Requirements.

1. The following supervision requirements are established as minimum thresholds for intensive probationers being supervised in the community without waiver provisions. Each probation department may establish more rigorous intensive supervision requirements. Each chief probation officer shall ensure that all established minimum intensive supervision requirements are provided in writing to each intensive probation team, along with training on adherence to those requirements.
2. The probation department shall establish and document minimum intensive supervision requirements for intensive probationers incarcerated in jail. Each probation department shall provide, in writing to each intensive probation team, the minimum intensive supervision requirements established for intensive probationers incarcerated in jail and furnish training on adherence to those requirements.
3. ~~The probation department shall establish supervision guidelines that are directed toward achieving desired outcomes that include, but are not limited to the reduction of the offender recidivism and criminogenic factors and will ensure that the majority of intensive probation supervision resources are dedicated to high risk probationers in order to successfully complete their term of probation and promote positive behavioral changes. Supervision guidelines shall include the following considerations:~~
 - a. ~~Tailored to the risks, needs and strengths presented by the individual probationer as determined by the standardized assessment;~~
 - b. ~~Supervision monitoring and intervention strategies are to involve no greater deprivations of liberty or property than are reasonably necessary to address sentencing purposes. Supervision programs, surveillance, and strategies that are utilized shall be the least intrusive means necessary to promote public safety and supervision goals;~~
 - c. ~~Initial and subsequent supervision planning shall develop specific goal directed objectives to be accomplished by the probationer during the term of supervision and the strategies that the officer will use to monitor compliance and promote the accomplishment of those objectives. Supervision contacts shall be integral to implementing the overall supervision strategies, have a purpose that is directly related to case objectives and the probationer's level and type of risk;~~
 - d. ~~High risk cases require the concurrent implementation of multiple intervention strategies that apply the skills from a variety of disciplines to address the level and type of risk presented by the individual probationer, build on a probationer's strengths, and provide probationers with incentives to change;~~
 - e. ~~Document changes in a probationer's circumstances throughout the period of probation and actively engage in assessing the impact of any changes on the level and~~

~~type of supervision. Officers shall independently assess a probationer's circumstances through field and collateral contacts at a level proportional to the issues in the individual case;~~

~~f. Responses to noncompliance shall be timely, realistic and escalating; and shall include elements designed to both control and correct noncompliance; and~~

~~g. The intensity and frequency of supervision activities shall be reduced over time for stable, compliant probationers who are meeting their supervision objectives.~~

34. Supervision level I is reserved for probationers who assess as high risk on the standardized assessment or reassessment as well as newly sentenced probationers who assess as medium or low risk and shall include:

a. Visual contacts. The intensive probation team shall have a minimum of four visual contacts each week with each intensive probationer. Home contacts are required on a random and varied basis. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.

b. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall have face-to-face, telephonic or written contact with the intensive probationer's employer each week. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.

~~e. Investigation of arrest notification. The intensive probation team shall immediately contact the law enforcement officer or agency involved, upon receipt of an arrest notification, to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The intensive probation team shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident.~~

~~d. Schedule. The intensive probation team shall monitor and enforce approved schedules established pursuant to A.R.S. § 13-914(E)(4). For probationers that are meeting expected behavioral goals, scheduling requirements shall provide the probationer a graduated reduction in structured activities to promote a successful transition to reduced supervision. Scheduled activities shall provide opportunities for pro social activities "as specifically allowed in each instance by the adult probation officer" (A.R.S. § 13-914(E)(4)).~~

~~e. Community restitution. The intensive probation team shall monitor, record and enforce the community restitution requirements ordered by the court.~~

- ~~f. Alcohol and drug testing. The intensive probation team shall assess each intensive probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals documented in the case record. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.~~
 - ~~g. Treatment and counseling. The intensive probation team shall provide a written directive to the intensive probationer referring the intensive probationer to an appropriate service provider within 60 days of sentencing, initial release from custody as a condition of intensive probation, or when a need for treatment, education or counseling is identified. If more than one area of treatment or counseling is identified, the intensive probation team shall prioritize the needs and address the one with highest priority within the prescribed time frame. The intensive probation team shall then address the remaining treatment or counseling areas in descending order.~~
 - ~~h. Development of case plans that target risk and need areas evidenced to be significant predictors of risk to re-offend.~~
 - ~~i. The use of communication techniques that engage the probationer in their own case plan, motivation and goals.~~
 - ~~j. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives.~~
 - ~~k. Evaluation of ongoing supervision and strategies.~~
 - ~~l. Responses to positive pro social behavior pursuant to established departmental incentives policies.~~
 - ~~m. The probation officer's recommendation for a reduction of supervision for eligible probationers pursuant to the results of the standardized risk assessment or standardized risk reassessment may be made to the court once it has been ascertained that a change in supervision level is warranted based upon standardized assessment and reassessment and progress with established behavioral goals.~~
45. Supervision level II is reserved for probationers who assess as high risk on the standardized assessment or reassessment and who have demonstrated positive behavioral change. A modification must be obtained from the court prior to placement on level II. Supervision level II shall include:
- a. Visual contacts. The intensive probation team shall have a minimum of two visual contacts each week with each intensive probationer, with at least one occurring at the intensive probationer's residence. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.

- b. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall have face-to-face, telephonic or written contact with the intensive probationer's employer every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
- c. Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable. ~~Investigation of arrest notification. Upon the receipt of an arrest notification, the intensive probation team shall immediately contact the law enforcement officer or agencies involved to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The intensive probation team shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident.~~
- d. ~~Schedule. The intensive probation team shall monitor and enforce approved schedules established pursuant to A.R.S. § 13-914(E)(4). For probationers that are meeting expected behavioral goals, scheduling requirements shall provide the probationer a graduated reduction in structured activities to promote a successful transition to reduced supervision. Scheduled activities shall provide opportunities for pro-social activities "as specifically allowed in each instance by the adult probation officer" (A.R.S. § 13-914(E)(4)).~~
- e. ~~Community restitution. The intensive probation team shall monitor, record and enforce the community restitution requirements ordered by the court.~~
- f. ~~Alcohol and drug testing. The intensive probation team shall assess each intensive probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals documented in the case record. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.~~
- g. ~~Treatment and counseling. The intensive probation team shall provide a written directive to the intensive probationer referring the intensive probationer to an appropriate service provider within 60 days of sentencing, initial release from custody as a condition of intensive probation, or when a need for treatment, education or counseling is identified. If more than one area of treatment or counseling is identified, the intensive probation team shall prioritize the needs and address the one with highest priority within the prescribed time frame. The intensive probation team shall then address the remaining treatment or counseling areas in descending order.~~
- h. ~~Collateral Contacts: The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable.~~

- ~~i. Development of case plans that target risk and need areas evidenced to be significant predictors of risk to re-offend.~~
- ~~j. The use of communication techniques that engage the probationer in their own case plan, motivation and goals.~~
- ~~k. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives.~~
- ~~l. Responses to positive pro-social behavior pursuant to established departmental incentives policies.~~
- ~~m. Evaluation of ongoing supervision and strategies.~~

56. Supervision level III is designed for transitioning high risk probationers to standard probation supervision and as a step down from level I for probationers assessed as medium or low risk. A modification must be obtained from the court prior to placement on level III. Supervision level III shall include:

- a. Visual contacts. The intensive probation team shall have a minimum of one visual contact each week with each intensive probationer, with at least one occurring at the intensive probationer's residence every other week. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
- b. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall have face-to-face, telephonic or written contact with the intensive probationer's employer every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
- c. Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable. ~~Investigation of arrest notification. Upon the receipt of an arrest notification, the intensive probation team shall immediately contact the law enforcement officer or agencies involved to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The intensive probation team shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident.~~
- ~~d. Schedule. The intensive probation team shall monitor and enforce approved schedules established pursuant to A.R.S. § 13-914(E)(4). For probationers that are meeting expected behavioral goals, scheduling requirements shall provide the~~

- ~~probationer a graduated reduction in structured activities to promote a successful transition to reduced supervision. Scheduled activities shall provide opportunities for pro-social activities “as specifically allowed in each instance by the adult probation officer” (A.R.S. § 13-914(E)(4)).~~
- ~~e. Community restitution. The intensive probation team shall monitor, record and enforce the community restitution requirements ordered by the court.~~
 - ~~f. Alcohol and drug testing. The intensive probation team shall assess each intensive probationer’s need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals documented in the case record. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.~~
 - ~~g. Treatment and counseling. The intensive probation team shall provide a written directive to the intensive probationer referring the intensive probationer to an appropriate service provider within 60 days of sentencing, initial release from custody as a condition of intensive probation, or when a need for treatment, education or counseling is identified. If more than one area of treatment or counseling is identified, the intensive probation team shall prioritize the needs and address the one with highest priority within the prescribed time frame. The intensive probation team shall then address the remaining treatment or counseling areas in descending order.~~
 - ~~h. Collateral Contacts: The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable.~~
 - ~~i. Development of case plans that target risk and need areas evidenced to be significant predictors of risk to re-offend.~~
 - ~~j. The use of communication techniques that engage the probationer in their own case plan, motivation and goals.~~
 - ~~k. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives.~~
 - ~~l. Responses to positive pro-social behavior pursuant to established departmental incentives policies.~~
 - ~~m. Evaluation of ongoing supervision and strategies.~~
67. Supervision level IV is reserved for probationers who assesses as medium or low risk on the standardized assessment or reassessment and is designed to be a transition between intensive and standard probation. The supervising probation officer may petition the court to reduce the level of supervision for a probationer that assesses as low risk on the standardized assessment or standardized reassessment. The case record shall document the circumstances for continuing probationers that assess as low risk on the standardized risk needs instrument on intensive probation supervision. A modification must be

obtained from the court prior to placement on level IV. Supervision level IV shall include:

- a. Visual contacts. The intensive probation team shall have a minimum of one visual contact every two weeks with each intensive probationer, occurring at the intensive probationer's residence. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
- b. Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation team shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation team shall have face-to-face, telephonic or written contact with the intensive probationer's employer once every four weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
- c. Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 4 weeks, if applicable. ~~Investigation of arrest notification. Upon the receipt of an arrest notification, the intensive probation team shall immediately contact the law enforcement officer or agencies involved to ascertain the nature and circumstances surrounding the contact and obtain a copy of any corresponding incident report or citation. The intensive probation team shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident.~~
- d. ~~Schedule. The intensive probation team shall monitor and enforce approved schedules established pursuant to A.R.S. § 13-914(E)(4). For probationers that are meeting expected behavioral goals, scheduling requirements shall provide the probationer a graduated reduction in structured activities to promote a successful transition to reduced supervision. Scheduled activities shall provide opportunities for pro-social activities "as specifically allowed in each instance by the adult probation officer" (A.R.S. § 13-914(E)(4)).~~
- e. ~~Community restitution. The intensive probation team shall monitor, record and enforce the community restitution requirements ordered by the court.~~
- f. ~~Alcohol and drug testing. The intensive probation team shall assess each intensive probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals documented in the case record. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.~~
- g. ~~Treatment and counseling. The intensive probation team shall provide a written directive to the intensive probationer referring the intensive probationer to an~~

- ~~appropriate service provider within 60 days of sentencing, initial release from custody as a condition of intensive probation, or when a need for treatment, education or counseling is identified. If more than one area of treatment or counseling is identified, the intensive probation team shall prioritize the needs and address the one with highest priority within the prescribed time frame. The intensive probation team shall then address the remaining treatment or counseling areas in descending order.~~
- ~~h. Collateral Contacts: The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 4 weeks, if applicable.~~
 - ~~i. Development of case plans that target risk and needs areas evidenced to be significant predictors of risk to re-offend.~~
 - ~~j. The use of communication techniques that engage the probationer in their own case plan, motivation and goals.~~
 - ~~k. Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives.~~
 - ~~l. Responses to positive pro-social behavior pursuant to established departmental incentives policies.~~
 - ~~m. Evaluation of ongoing supervision and strategies.~~
78. Supervision level V is reserved for intensive probationers participating in residential treatment. On release from residential treatment, the intensive probation team shall utilize the results of the standardized assessment or reassessment, along with the intensive probationer's compliance with the conditions of intensive probation, discharge plan supported by and involving the treatment provider, intensive probation team and intensive probationer, and any other relevant factors to ~~place the intensive probationer in one of various~~ recommend to the court placement on an appropriate supervision levels. Supervision level V shall include:
- a. Visual contacts. The intensive probation team shall have a minimum of one visual contact every 30 days with each intensive probationer. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled.
 - b. Treatment provider contacts. The intensive probation team shall have a minimum of one face-to-face, telephonic or written contact every 30 days with the intensive probationer's treatment provider.
 - c. Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 30 days, if applicable. ~~Investigation of arrest notification. The intensive probation team shall immediately contact the law enforcement officer or agency involved, upon receipt of an arrest notification, to ascertain the nature and circumstances surrounding the contact and~~

~~obtain a copy of any corresponding incident report or citation. The intensive probation team shall document in the case file all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident.~~

- d. ~~Community restitution. Intensive probationers participating in residential treatment are exempt from community restitution requirements.~~
- e. ~~Alcohol and drug testing. The intensive probation team shall assess each intensive probationer's need for monitoring of alcohol and drug use and determine the frequency of testing. The testing shall be random and occur at intervals documented in the case record. Signed admissions of alcohol or drug use shall be accepted in lieu of alcohol or drug testing.~~
- f. ~~Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 30 days, if applicable.~~
- g. ~~Development of case plans that target risk and needs areas evidenced to be significant predictors of risk to re-offend.~~
- h. ~~The use of communication techniques that engage the probationer in their own case plan, motivation and goals.~~
- i. ~~Responses to offender behavior pursuant to established departmental policies on graduated responses of consequences and incentives.~~
- j. ~~Responses to positive pro-social behavior pursuant to established departmental incentives policies.~~
- k. ~~Evaluation of ongoing supervision and strategies.~~

OL. Waiver Provisions.

1. A.R.S. § 13-919 provides:

The requirements of § 13-916, subsection A, subsection B and subsection F, paragraph 2 may be waived for a county if the case load of adult probation officers supervising persons on intensive probation is not more than fifteen persons and the program requires visual contact with each probationer at least one time a week.

2. The presiding judge shall file a waiver request pursuant to A.R.S. §§ 13-916 and 13-919 with the AOC on a form prescribed by the administrative director. The administrative director shall consider the following when determineing whether to grant the waiver: ;
 - a. The number of offenders on intensive probation supervision in the requesting county;

- b. The geographical make up of the requesting county and the communities that would be served under the waiver; and
 - c. The impact to the program and the implementation of evidence-based supervision by utilizing one-person teams.
- 3. Waiver requests shall be renewed annually if the participating court expects to maintain caseloads of no more than fifteen persons on intensive probation supervision caseloads.
- 4. The following supervision requirements are established as minimum thresholds for intensive probationers being supervised in the community. Each probation department may establish more rigorous intensive supervision requirements. Each chief probation officer shall ensure that all established minimum intensive supervision requirements are provided in writing to each intensive probation officer, along with training on adherence to those requirements. Minimum supervision requirements under the waiver provision shall remain in effect throughout the period of intensive probation supervision and shall include:
 - ~~a. Visual contact standards of one visual contact at least one time per week per probationer;~~
 - ~~b. Pursuant to A.R.S. § 13-914(E)(6), "...For good cause, the court may reduce the number of community restitution hours performed to not less than twenty hours each month" and,~~
 - ~~c. All requirements identified in subsections O (1-3) and O(6)(a-m) ACJA-6 202.01.~~
- 5. The probation department shall establish and document minimum intensive supervision requirements for intensive probationers incarcerated in jail. Each probation department shall provide, in writing to each intensive probation officer, the minimum intensive supervision requirements established for intensive probationers incarcerated in jail and furnish training on adherence to those requirements.
- 6. A person placed on intensive probation and assigned to a waived officer shall be supervised by the intensive probation officer at supervision Contact Level 2 until the completion of the standardized assessment and initial case plan. The intensive probation officer shall utilize the results of the standardized assessment, along with the probationer's compliance with the conditions of intensive probation and any other relevant factors, and recommend to the court placement on an appropriate supervision contact level. Pursuant to A.R.S. § 13-917, if reductions or increases in supervision level are warranted, such reductions or increases shall be made by the court upon recommendation of the probation officer, as further described in L(8)(k).
 - a. Contact Level 2 (CL2) shall be recommended for probationers assessing as high risk on the standardized assessment or reassessment. Minimum contact standards shall include:

- (1) Visual contacts: a minimum of two per week with the probationer, with at least one occurring in the probationer's residence. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
 - (2) Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation officer shall have face-to-face, telephonic or written contact with the intensive probationer's employer every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
 - (3) Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable.
- b. Contact Level 3 (CL3) may be recommended for probationers who have demonstrated positive behavioral change while under supervision contact level 2. Minimum contact standards shall include:
- (1) Visual contacts: a minimum of one visual contact per week, with at least one contact occurring in the probationer's residence every other week. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
 - (2) Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment verification requirements. The intensive probation officer shall have face-to-face, telephonic or written contact with the intensive probationer's employer every two weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.
 - (3) Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every two weeks, if applicable.
- c. Contact Level 4 (CL4) may be recommended for probationers assessing as medium or low risk on the standardized assessment or reassessment and who have demonstrated positive behavioral change while under supervision contact level 3. Intensive probation officers shall not recommend supervision contact level 4 for probationers who assess as high risk. Minimum contact standards shall include:
- (1) Visual contacts: a minimum of one visual contact every two weeks, occurring in the probationer's residence. Visual contacts shall be varied, scheduled and unscheduled, and include days, nights, weekends and holidays.
 - (2) Employment. Within ten days of placement on intensive probation or date of hire, the intensive probation officer shall notify the intensive probationer's employer of the intensive probationer's probation status and employment

verification requirements. The intensive probation officer shall have face-to-face, telephonic or written contact with the intensive probationer's employer every four weeks. The intensive probationer, if unemployed and eligible to work in the state of Arizona, shall each weekday, unless otherwise directed, provide the intensive probation team with verification of job search activities.

(3) Collateral contacts: The intensive probation officer shall have a minimum of one collateral contact regarding each intensive probationer every four weeks, if applicable.

d. Contact Level 5 (CL5) intensive probationers participating in residential treatment on release from residential treatment, the intensive probation officer shall utilize the results of the standardized assessment or reassessment, along with the intensive probationer's compliance with the conditions of intensive probation, discharge plan supported by and involving the treatment provider, intensive probation officer and intensive probationer, and any other relevant factors to recommend to the court placement on an appropriate supervision contact level. Minimum contact standards shall include:

(1) Visual contacts. The intensive probation officer shall have a minimum of one visual contact every 30 days with each intensive probationer. Mandatory visual contacts may be made by other probation or surveillance officers when authorized by the chief probation officer. Visual contacts shall be varied, scheduled and unscheduled.

(2) Treatment provider contacts. The intensive probation officer shall have a minimum of one face-to-face, telephonic or written contact every 30 days with the intensive probationer's treatment provider.

(3) Collateral contacts. The intensive probation team shall have a minimum of one collateral contact regarding each intensive probationer every 30 days, if applicable.

Section P – No changes